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PATENT
ATTORNEY DOCKET NO. 50429/003001

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Michael E. Connors

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Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Chantal Dax et al.	Confirmation No.:	3396
Serial No.:	10/562,251	Art Unit:	1621
371(c) Date:	June 26, 2006	Examiner:	S. Katakam
Customer No.:	21559		
Title:	ALDOLASE-INHIBITING AROMATIC COMPOUNDS		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

In reply to the Restriction Requirement that was sent electronically in connection with the above-captioned case on April 11, 2008, Applicants elect the invention of Group II, claims 1-3, 5, and 8-22. The election is made with traverse.

The Office asserts that Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. The Office further asserts that the “technical feature linking groups I-III appear[s] to be a phosphate group mimetic,” but that

“inventions I, II, and II are independent and distinct from each other because they are directed to structurally dissimilar compounds that lack a common core.” Applicants respectfully disagree with the Office’s characterization of the invention.

Applicants submit that the claims of Groups I-III are linked by a special technical feature as to form a single general inventive concept in accordance with PCT Rules 13.1 and 13.2. In particular, the Office restricts the claims into three groups based on the enzymolabile protecting group. The enzymolabile protecting groups in question are all phosphate group mimetics (as defined at page 4, lines 3-15, of the English language specification). The requirement of the compounds encompassed by the claims to contain a phosphate group mimetic defines a contribution that each of Groups I-III makes over the prior art. For instance, at page 6, lines 24-28, of the English language specification, the application states:

An initial approach making it possible to improve the bioavailability of a phosphate compound consists of protecting the phosphate groups so as to mask these charges temporarily – in particular by means of enzymolabile protecting groups – and thus make their passage through the cell membranes possible in a passive sense.

As such, the requirement that the compound includes a phosphate group mimetic links the claims of Groups I-III to form a single general inventive concept. Accordingly, Applicants submit that unity of invention is proper under PCT Rules 13.1 and 13.2 for all pending claims. The present Restriction Requirement should be withdrawn.

For all the above reasons, Applicants respectfully request that the Office



consider the present Restriction Requirement and rejoin Groups I-III.

CONCLUSION

Applicants respectfully submit that the application is now in condition for allowance, and such action is hereby respectfully requested.

Applicants note that May 11, 2008 was a Sunday. As such, Applicants submit that no extension fee is due. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Date:

May 12, 2008

Respectfully submitted,

Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045